

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

In order to expedite prosecution, the Applicants have cancelled claims 10 and 12, without prejudice or disclaimer. The Applicants have amended claims 13, 15 and 16 to correct some typographical errors; no new matter has been added. Accordingly, claims 13-17 remain pending in the application.

### **2.) Examiner Objections - Claims**

The Examiner objected to claims 10, 12, 13 and 15 because of certain informalities. The Applicants have cancelled claims 10 and 12 and, therefore, the Examiner's objections relating thereto are moot. The Applicant has amended claims 13 and 15 to correct the lack of antecedent bases noted by the Examiner.

### **3.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner rejected claims 10 and 12 as being unpatentable over "Applicant's Admitted Prior Art" (APA) in view of Calvignac, *et al.* (U.S. Patent Publication No. 2002/0191642) and Brady, *et al.* (U.S. Patent No. 5,784,698); claims 13 and 14 as being unpatentable over APA in view of Calvignac and Miyoshi, *et al.* (U.S. Patent Publication No. 2003/0087662); and, claims 15-17 as being unpatentable over APA in view of Miyoshi. The Applicants have cancelled claims 10 and 12 and, therefore, the Examiner's objections relating thereto are moot. The Applicants traverse the rejections of claims 13-17.

The control methods for regulating the flow of data between first and second transmitting radio network nodes recited in independent claims 13, 15 and 17 are characterized, in part, by distributing the total number of transmission credits to be granted to the user entities *proportionally to the radio channel qualities indicated by the user entities*. For each of those claims, the Examiner acknowledges that Applicant's Admitted Prior Art (APA) and Calvignac do not disclose distributing a total number of credits (for transmission of data units) proportionally to radio channel qualities indicated by the user entities. (Page 10, lines 1-4, and page 12, lines 4-7, of the Office Action) To

overcome that deficiency in the prior art, the Examiner looks to the teachings of Miyoshi, stating that Miyoshi discloses: "HDDR is a communication method whereby a base station performs scheduling for allocating communication resources to communication terminals by time division, and also sets a transmission rate for each communication terminal according to the downlink channel quality," referring to paragraph 0003 thereof. The Applicants believe the Examiner reads too much into the teachings of Miyoshi. As those skilled in the art will recognize, setting the transmission rate for each communication terminal according to the downlink channel quality experienced by each such terminal does not limit the transmission rate that can be set for other terminals; *i.e.*, the transmission rate set for one communication terminal according to HDR does not limit the transmission rate that can be set for another communication terminal. *In contrast*, the control methods recited in claims 13, 15 and 17 are directed to managing the limited capacity of a radio network node (*e.g.*, due to limited buffer resources) which are apportioned *proportionally to radio channel qualities indicated by user entities* to which data units will be transmitted; *i.e.*, granting more transmission credits to one entity reduces, proportionally, the number that can be granted to another entity. Accordingly, Miyoshi fails to teach the claimed limitation and, therefore, claims 13, 15 and 16 are not obvious over Applicant's APA, Calvignac and Miyoshi. Furthermore, whereas claims 14 and 17 are dependent from claims 13 and 16, respectively, and include the limitations thereof, they are also not obvious.

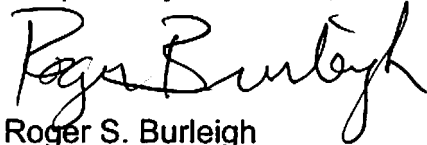
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**CONCLUSION**

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 13-17.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roger S. Burleigh". The signature is fluid and cursive, with the first name "Roger" and last name "Burleigh" clearly distinguishable.

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